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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.       | CONFIRMATION NO.       |
|---|-------------|----------------------|---------------------------|------------------------|
| 10/552,135  | 10/06/2005  | Thomas H. Blackwell  | 038151/294772             | 7205                   |
| 826 7590 06/08/2009<br>ALSTON & BIRD LLP<br>BANK OF AMERICA PLAZA<br>101 SOUTH TRYON STREET, SUITE 4000<br>CHARLOTTE, NC 28280-4000 |             |                      | EXAMINER<br>PAPEL, JOSEPH |                        |
|   |             |                      | ART UNIT<br>3612          | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>06/08/2009   | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/552,135

**Applicant(s)**

BLACKWELL ET AL.

**Examiner**

Joseph D. Pape

**Art Unit**

3612

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 12, 16, 18, 19, 21, 27-29, 34 and 43-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 12, 16, 18, 19, 21, 27-29, 34 and 43-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/6/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-848)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/5/09 (4)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims checkasnd1-3, 5, 12, 16, 18-19, 21, 27-28, and 31-42 and 44-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Pellegrin, Jr. in view of Eberspacher.

Pellegrin, Jr. discloses the claimed invention including first and second configurations as shown in Figures 1 and 2. Further, there are two slide out section that define a first medical treatment patient area and a second medical patient treatment area. Each of the first and second treatment areas have rows of patient treatment bays comprising beds 210. Also, note column 5, lines 21-33 which states that the invention includes instruments, devices, and equipment that provide the trailer section with an environment similar to that of an operating room. Such features inherently include oxygen and suction ports and diagnostic instruments. Further, note fold up floor sections 558. The third slide out 304 is considered to be "capable" of supporting an operating table as broadly as recited. Specifically, table 320 is considered to be an "operating room table" or an "operating station" as broadly as recited.

Pellegrin, Jr. does not disclose the use of dividing, privacy curtains.

Eberspacher discloses a mobile medical treatment trailer with a row of bays with dividing, privacy curtains and beds.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the treatment bays of Pellegrin, Jr. with dividing, privacy curtains as taught by Eberspacher for their inherent function of privacy. While the curtains may be open for certain aspects of training by the instructor, they may also be closed when practicing techniques in private.

Re claims 3, 27, and 45-46, note awning 548, such awning is considered to extend substantially *partially* around the trailer as broadly as recited. Such space created by the awning system is inherently capable of providing "an extended care work

environment" as broadly as recited. Re claim 45, the elements listed are not part of the awning system per se and the provision of medical related articles in proximity to the trailer does not constitute a structurally distinct feature.

Re claim 12, note HVAC filtration system 500 and generator 520.

Re claim 18, the "means for changing" is considered to be the slide out mechanism.

Re claim 19 including satellite communications, note the abstract.

Re claim 44, Examiner takes Official notice that the use of privacy curtains within medical treatment areas, such as hospitals, in order to separate various portions of such facilities and control the movements of personnel and or patients is common knowledge. It would have been obvious to one having ordinary skill in the art to provide Pellegrin, Jr., as modified with a curtain between treatment areas for this reason in that such arrangement would have no new or unexpected results.

4. Claims 4 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrin, Jr. in view of Eberspacher as applied above and further in view of Hirayama et al. '358.

Pellegrin, Jr., as modified, discloses the claimed invention except for the use of a second trailer.

Hirayama et al. discloses the use of multiple trailers in a mobile hospital system.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the medical facility of Pellegrin, Jr., as modified, with a

second trailer capable of storing equipment and supplies as taught by Hirayama et al. in order to enhance the overall function of the facility.

5. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied above to claim 21 and as further evidenced by Eberspacher.

Pellegrin, Jr. , as modified, discloses the claimed invention except for the specific number of treatment bays in each row.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct more than two treatment bays in each row as an obvious matter of duplication of parts in view of In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). Such obviousness is further evidenced by Eberspacher in which a total of nine treatment bays are provided in a row.

6. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pellegrin, Jr. in view of Eberspacher as applied above and further in view of Valles.

Pellegrin, Jr., as modified, discloses the claimed invention except for the awning system defining an enclosed area.

Valles discloses a vehicle awning system with an awning system that defines an enclosed area.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the awning system of Pellegrin, Jr., as modified, with side panels to define an enclosed area as taught by Valles for enhanced environmental

protection. The designations within the enclosed area as to intended use are considered to be arbitrary and fail to further structurally define the invention. the same can be said for the designations in claim 48.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims pending in the application have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D. Pape whose telephone number is (571)272-6664. The examiner can normally be reached on Tuesday-Friday 6:30 AM-3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on (571)-272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph D. Pape/  
Primary Examiner, Art Unit 3612

Jdp

6/5/09



